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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,077	10/30/2000	Kenneth Wills	08250.0045-02	3296
826	7590	10/31/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,077

Applicant(s)

WILLS, KENNETH

Examiner

LUU MATTHEW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29, 30, 32, 33 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29, 30, 32, 33 and 35-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-30 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellesfield et al (6,498,982) in view of DeLorme et al (5,802,492).

Claims 29 and 38.

Bellesfield discloses (Figs. 4, 6 and 10-11) a method that displays a traveling route between a destination point and a departure point. This method also generates a list of places on interest, such as hotel, restaurant, attraction, etc. within a predetermined distance of the traveling route. This method also retrieves information, comprising:

sending a request identifying at least a first site (a departure point), a second site (a destination point) and a type of location of interest (the places of interest, such as hotel, restaurant, attraction, etc.) (Column 2, lines 24-27; column 3, lines 58-62 and column 6, lines 55-59); and

receiving information associated with the first and second sites (the departure and destination points) and selected based on the type of location of interest (the places of interest, such as hotel, restaurant, attraction, etc.)

Bellesfield further shows (Fig. 6) the method that generates a geometric curve shaped route between the first site (any selected departure points C or A) and the second site (any selected destination points B or E). See column 7, lines 25-30.

The only difference between the disclosure of Bellesfield and the claimed invention is that claims 29 and 38 require generating a geometric shape based on the first site and second site.

However, DeLorme (5,802,492) discloses a Computer Aided Routing and Positioning System (CARPS) that determines a route along selected waypoints. These waypoints include a travel origin (first site), a travel destination (second site) and the intermediate waypoints there between (Abstract).

DeLorme further discloses (Fig. 1N) a DeLorme MAP'N'GO travel plan. This MAP'N'GO include a point of departure at the bottom (first site) and destination (second site) at the top of a strip map format (Column 17, lines 34-38). The user can enter the point of departure and the destination using a menu displayed on a computer screen (Column 16, lines 39-42). Thus, DeLorme clearly teaches the computer aided routing

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system that generates "a geometric shape" (the rectangular shaped map) based on the first site (departure point) and second site (destination) as claimed.

DeLorme further discloses (Fig. 5) a displayed map (501) that includes a plurality of waypoints (510, 512 and 514). These waypoints include a starting place, a destination and the intermediate locations there between (Column 46, lines 43-48). The displayed map (501) shows the starting place (South Place 510), the destination (North Place 514) and the intermediate location (Place 512) there between (Column 45, lines 38-45). Therefore, DeLorme clearly teaches the computer aided routing system that generates "a geometric shape" (the rectangular displayed map 501) based on the first site (South Place 510) and second site (North Place 514) as claimed.

Therefore, based on the teaching of Figs. 1N and 5, it would have been obvious to a person of ordinary skill in the art to use the method that displays a rectangular map of DeLorme into the method for displaying a travel route of Bellesfield to provide a more efficient computer aided routing method. This routing method also allows the user to construct a highly selective travel route incorporating waypoints selected by the user.

Bellesfield discloses (Figs. 5 and 6) a first distance value representing the distance between the first site and the second site (for example, the distance between point C and the destination point A), and a second distance value representing a

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function performed on the first distance value (the distance between the point C and destination point A plus the additional destination point B; i.e. $C+A+B$) (Column 7, lines 54-62).

DeLorme also discloses (Fig. 5A) a geometric shape (circle) is generated base on a first distance value representing the distance between the first site (location 534) and the second site (any location on the circle with the radius R, 541). The user can adjust or resize this radius R (Column 51, lines 5-7). Thus, if the user selects any point outside the circle, then radius will become a larger distance for searching more points of interest (POIs) (Column 51, lines 5-11). Therefore, the second distance value (the distance between the location 534 and the location on a larger radius) represents a function performed on the first distance value (the distance between the location 534 and the point on the non-enlarging circle).

Claims 30 and 39.

DeLorme further teaches (Fig. 5) the information includes information related to locations of interest (points of interest, POIs, 505) that are associated with the type of location of interest (Thing, Police, Fun, Eat and Camp) identified in the request (Column 45, line 63 to column 46, line 7). DeLorme further shows (Fig. 5) the locations of interest (POIs 505) are located within the geometric shape map (501).

Claim Rejections - 35 USC § 103

Claims 32-33 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve et al (5,682,525) in view of DeLorme et al (5,802,492).

Claims 32 and 35.

Bouve discloses(Figs. 1 and 2) a method for searching and retrieving information, comprising:

receiving a request including a site (Fig. 2, hotel 36) and a type of location of interest ("items of interest" means services products, geographic sites, architectural sites, stores, restaurants, etc.) (Column 1, lines 61-63);

determining a range for the site (the range is the geographic vicinity of the map shown in Fig. 2. This geographic vicinity is within a walking distance) based on stored information associated with the type of location of interest (Column 6, lines 39-60); and

providing trip planning information (the displayed map 30) based on the range, the type of location interest ("items of interest") and the site (hotel 36) (Column 5, lines 1-21).

The only difference between the disclosure of Bouve and the claimed invention is that claims 32 and 35 require "determining a range includes varying the range based on the number of locations of interest located within a predetermined distance of the site".

However, DeLorme discloses (Fig. 5) a displayed map (501) that includes a plurality of waypoints (510, 512 and 514). These waypoints include a starting place, a destination and the intermediate locations there between (Column 46, lines 43-48). DeLorme also discloses (Figs. 5A and 5B) a site location (534), a range for the site (radius R), and a number of locations of interest (points of interest (POIs)). DeLorme further teaches a user can adjust or resize this radius R to search for more locations points of interest (POIs) (Column 51, lines 5-11).

Thus, DeLorme clearly teaches "varying the range (resize the radius) based on the number of locations of interest (POIs) located within a predetermined distance of the site (adjust or resize this radius R to search for more locations of interest (POIs)). See column 51, lines 5-11.

Since Bouve mentions "the user can select a greater radius for display, ... as needed" (Column 11, lines 11-14), it would have been obvious to the person of ordinary skill in the art to use the method that allows the user to adjust or resize the radius, as taught by DeLorme, into method for searching information of Bouve to allow the user to search for more points of interest in his/her traveling plan. This searching method also allows the user to construct a highly selective travel route incorporating waypoints selected by the user.

Claims 33 and 36.

Bouve discloses (Fig. 2) the trip planning information (displayed map 30) includes locations on interest (computer stores #1 and #2) located within the range of the site (within a walking distance range of the displayed map 30), and wherein the locations of interest are associated with the type of location ("items of interest") includes in the request (Column 1, lines 61-63).

Claim 37.

Bouve discloses (Fig. 2) wherein the range (the range is the geographic vicinity of the map shown in Fig. 2) is based on the number of locations of interest (computer stores #1 and #2) located within a predetermined distance of the site (within a walking distance from the hotel 36).

Response to Arguments

Applicant's arguments filed August 16, 1005 have been fully considered but they are not persuasive.

Response With Regard to Claims 29-30 and 28-39

Applicant argues, at page 7, with regard to claims 29-30 and 28-39 by asserting that neither the Bellsfield patent nor the DeLorme patent teaches or suggests the claimed limitation "the geometric shape having been generated based on a first distance value representing the distance between the first and second site, and a second

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distance value representing a function performed on the first distance value.” The examiner respectfully disagrees.

Bellesfield shows (Fig. 6) the method that generates a geometric curve shaped route between the first site (any selected departure points C or A) and the second site (any selected destination points B or E). See column 7, lines 25-30.

Bellesfield further discloses (Figs. 5 and 6) a first distance value representing the distance between the first site and the second site (for example, the distance between point C and the destination point A), and a second distance value representing a function performed on the first distance value (the distance between the point C and destination point A plus the additional destination point B; i.e. $C+A+B$) (Column 7, lines 54-62).

On the other hand, DeLorme also discloses (Fig. 5A) a geometric shape (circle) is generated base on a first distance value representing the distance between the first site (location 534) and the second site (any location on the circle with the radius R, 541). DeLorme also teaches “user can adjust or resize this radius R” (Column 51, lines 5-7). Thus, if the user selects any point outside the circle, then radius will become a larger distance for searching more points of interest (POIs) (Column 51, lines 5-11). Therefore, the second distance value (the distance between the location 534 and the

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location on a larger radius) represents a function performed on the first distance value (the distance between the location 534 and the point on the non-enlarging circle).

Response With Regard to Claims 32-33 and 35-37

Applicant argues, at page 11, by asserting that neither the Bouve patent nor the DeLorme patent teaches or suggests "based on the stored information associated with the type of location of interest". The examiner respectfully disagrees.

Bouve clearly teaches the stored information (database) associated with the type of location of interest (items of interest) (Column 1, line 60 to column 2, line 4).

In response to applicant's argument, at page 11, that the Bouve does not show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the scope of the vicinity is based upon a type of location of interest) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Bouve discloses(Figs. 1 and 2) a method for searching and retrieving information, comprising:

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receiving a request including a site (Fig. 2, hotel 36) and a type of location of interest ("items of interest" means services products, geographic sites, architectural sites, stores, restaurants, etc.) (Column 1, lines 61-63);

determining a range for the site (the range is the geographic vicinity of the map shown in Fig. 2. This geographic vicinity is within a walking distance) based on stored information associated with the type of location of interest (Column 6, lines 39-60); and

providing trip planning information (the displayed map 30) based on the range, the type of location interest ("items of interest") and the site (hotel 36) (Column 5, lines 1-21).

The only difference between the disclosure of Bouve and the claimed invention is that claims 32 and 35 require "determining a range includes varying the range based on the number of locations of interest located within a predetermined distance of the site".

However, DeLorme discloses (Fig. 5) a displayed map (501) that includes a plurality of waypoints (510, 512 and 514). These waypoints include a starting place, a destination and the intermediate locations there between (Column 46, lines 43-48). DeLorme also discloses (Figs. 5A and 5B) a site location (534), a range for the site (radius R), and a number of locations of interest (points of interest (POIs)). DeLorme further teaches a user can adjust or resize this radius R to search for more locations points of interest (POIs) (Column 51, lines 5-11).

Thus, DeLorme clearly teaches "varying the range (resize the radius) based on the number of locations of interest (POIs) located within a predetermined distance of the site (adjust or resize this radius R to search for more locations of interest (POIs)). See column 51, lines 5-11.

Since Bouve mentions "the user can select a greater radius for display, ... as needed" (Column 11, lines 11-14), it would have been obvious to the person of ordinary skill in the art to use the method that allows the user to adjust or resize the radius, as taught by DeLorme, into method for searching information of Bouve to allow the user to search for more points of interest in his/her traveling plan. This searching method also allows the user to construct a highly selective travel route incorporating waypoints selected by the user.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

MATTHEW LUU
PRIMARY EXAMINER